

REMARKS

The Office Action dated October 6, 2004, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 33-42 are amended to more particularly point out and distinctly claim the subject matter of the invention. Claims 43-72 are canceled without prejudice. No new matter is added. Thus, claims 33-42 are pending in the present application and are respectfully submitted for consideration.

Claim 35 was objected to because of informalities. Applicants amend claim 35 to correct the informalities. Thus, applicants respectfully submit that the objection to claim 35 is rendered moot.

Claim 35 was rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicants amend claim 35 to comply with Section 112, second paragraph. Applicants respectfully request that the indefiniteness rejection be withdrawn.

Claims 33-39 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over European Patent Document No. EP 0 739 147 (Ishida) in view of European Patent Document No. EP 0 758 175 A (Ikeda). The Office Action took the position that Ishida taught all the elements of claims 33-39 except that the data is in packet format and the network is a packet-switched network. The Office Action then alleged that Ikeda taught those elements of claims 33-39 that are missing from Ishida. Applicants respectfully submit that the cited references of Ishida and Ikeda, either alone

or in combination, fail to disclose or suggest all the features of any of the presently pending claims.

Claim 33, upon which claims 34-39 are dependent, recites a voice mail server for a cellular network. The voice mail server includes a receiving means for receiving an incoming voice mail message. The voice mail server also includes an adapting means for adapting the voice mail message into a format suitable for transmission by a network channel which does not meet a delay requirement for delay-sensitive information. The voice mail server also includes a transmission means for directly dispatching the adapted voice mail message to a mobile station after receiving the incoming voice mail message and adapting the voice mail message. The adapting means includes a packetising means for packetising the voice mail message into data packets suitable for packet-switched transmission.

As discussed in the specification, examples of the present invention allow a voice mail message to be dispatched directly to the mobile station, after the voice mail message is received by the voice mail server. Thus, the situation can be avoided where the user has to poll a service center by calling into the center in order to receive the message. Instead of dispatching a message via a short message service, examples of the present invention may send an adapted voice mail message directly to the mobile station and store the message to avoid calling a service center to have the message delivered. Applicants respectfully submit that the cited references of Ishida and Ikeda fail to

disclose or suggest all the features of any of the presently pending claims. Therefore, the cited references fail to provide the critical and unobvious advantages discussed above.

Ishida relates to a mobile communication system having a message-storing function. Ishida describes that if a mobile station 20 does not respond, a network stores a message, and notifies mobile station 20 of the presence of the message. The mobile station 20 requests the transfer of the message when accessible. Referring to Figure 2 of Ishida, voice mail server 30 includes a message compressor 34 for adapting a voice mail message into a format suitable for transmission. Mobile station 20 also is shown as having an answering machine 50. Answering machine 50 is shown in greater detail in Figure 6 of Ishida and includes a decompressor 52 and memory 51. Mobile station 20 also includes a speaker 65 to reproduce the received message.

Ikeda relates to a communication switching system to control simultaneous communications between different communication methods. Ikeda describes that a voice mail is converted to be transmitted by a packet communication method. Referring to Figure 3, a voice incoming signal is generated at a voice line controller 20 when a request of a voice communication is made with respect to a communication terminal 4 that is currently busy with a packet communication from communication terminal 1. A communication terminal state request is output from voice line controller 20. The request is transmitted to a database 30 through a data exchange device 21. Database 30 reads voice line memory AB, packet line memory PB and transmits the same as a communication terminal state response to voice line controller 20 through data exchange

device 21. Thus, voice line controller 20 knows the communication state of communication terminal 4 to determine whether the voice communication circuit should be connected.

Applicants submit that the cited references, either alone or in combination, fail to disclose or suggest all the features of the presently pending claims. For example, applicants submit that the cited references do not disclose or suggest a transmission means for directly dispatching the adapted voice mail message to a mobile station after receiving the incoming voice mail message. If mobile station 20 is not responsive, then a message is stored and mobile station 20 is notified for the presence of the message. The voice message is not directly forwarded to the mobile station. Thus, voice mail server 30 of Ishida fails to disclose or suggest dispatching the voice mail message directly to the mobile station, as discussed above. According to Ishida, the user of mobile station 20 receives a message in answering machine 50 that polls voice mail server 30. Ishida has the mobile station request a transfer of the voice mail message from a server over the network to the mobile station. Thus, applicants submit that Ishida fails to disclose or suggest directly dispatching the voice mail to the mobile station.

Applicants also submit that Ikeda, either alone and/or in combination with Ishida, fails to disclose or suggest the features discussed above. As discussed above, Ikeda describes converting a voice mail to be transmitted. Instead, Ikeda describes determining the communication state of the communication terminals to connect the terminals. A voice incoming signal, not a voice message, is generated at voice line controller 20 of

Ikeda. Ikeda does not disclose or suggest directly transmitting the voice mail to a mobile station. Thus, applicants submit that Ikeda fails to disclose or suggest those features of the claims missing from Ishida.

In contrast, for example, claim 33 recites “a transmission means for directly dispatching the adapted voice mail message to a mobile station after receiving the incoming voice mail message and adapting the voice mail message.” As discussed above, neither Ishida nor Ikeda disclosed or suggest at least these features of the presently claims. Claims 34-39 depend directly or indirectly on claim 33, and are allowable for the reasons give above, and because they recite additional patentable subject matter. Thus, applicants submit claims 33-39 are not disclosed or suggested by Ishida and Ikeda, either alone or in combination. Applicants respectfully request that the obviousness rejection of claims 33-42 be withdrawn.

Claims 40-42 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ishida in view of Ikeda, and further in view of U.S. Patent No. 6,091,947 (Sumner). The Office Action took the view that Ishida and Ikeda taught all the elements of these claims except “to disclose telling the MS that a message is till waiting to be dispatched.” Sumner was cited as allegedly providing those elements missing from Ishida and Ikeda. Applicants respectfully submit that the cited references, either alone or in combination, fail to disclose or suggest all the features of any of the presently pending claims.

Claim 40, upon which claim 41 is dependent, is indirectly dependent on claim 33. Applicants submit that claim 40 includes the features of claim 33, but also recites that, if it is found that a storage means of the mobile station is unable to store all voice mail messages waiting at the voice mail server at one time or if it is found that the voice mail message exceeds a predefined size, the voice mail server is adapted to dispatch another message to the mobile station indicating that further voice mail messages or a remainder of the large voice mail message are still waiting to be dispatched.

Claim 42 also is indirectly dependent on claim 33. Applicants submit that claim 42 includes the features of claim 33, but also recites that the voice mail server is adapted to transmit a special message to the mobile station if a voice mail message is not dispatchable within a predetermined amount of time.

Sumner relates to a method and apparatus for accepting and conveying a voice mail message to a mobile unit in a wireless telephone system. Sumner describes a wireless telephone messaging system that determines when link performance is inadequate to provide a live connection and re-directs the call to voice mail. Referring to Figure 5 of Sumner, voice mail delivery is shown that is subsequent to accepting voice mail when voice mail is detected to be present in the queue for delivery. In step 502, the base unit signals the handset to test the link and optionally supply voice mail information, such as length, time-stamp, and priority. The handset measures the test signal in step 503. A decision is made in step 505, if the handset reply is not received, to re-queue the message for delivery and to wait an appropriate period of time. The priority of sending

the message can be altered accordingly. In step 507, the user may dispose of the call by forcing it to archive and not having it delivered to the handset based on the voice mail information supplied.

Applicants submit that Sumner, either alone and/or in combination with Ishida and/or Ikeda, fails to disclose or suggest a transmission means for directly dispatching the adapted voice mail message to a mobile station after receiving the incoming voice mail message. As discussed above, these features are not disclosed or suggest by Ishida and/or Ikeda. Sumner sends voice mail information, but not the voice mail message, to the handset. Based on the information, Sumner describes altering or changing the message delivery queue at the base. Sumner fails to disclose or suggest directly dispatching the voice mail message. Instead, Sumner forwards the voice mail message after indication by the user and subsequent to forwarding voice mail information. The voice mail message is only forwarded after it is requested by the user and in an order set at the base. Thus, Sumner fails to disclose or suggest directly dispatching the voice mail message to the mobile station.

Further, claims 40-42 depend directly or indirectly from claim 33. As discussed above, the cited references fail to disclose or suggest all the features of claim 33. If an independent claim is nonobvious, then any claim depending therefrom is nonobvious (MPEP 2143.03). Because of their dependence from claim 33, applicants submit that claims 40-42 also are nonobvious. Thus, applicants respectfully request that the obviousness rejection of claims 40-42 be withdrawn.

Applicants submit that each of claims 33-42 recite subject matter that is neither disclosed nor suggested by the cited references of Ishida, Ikeda and Sumner. Therefore, applicants respectfully request that all of claims 33-42 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William F. Nixon', is written over a horizontal line.

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Enclosures: Extension of Time